**Court No.2**

**IN THE HIGH COURT OF UTTARANCHAL AT AINITAL.**

**First Appeal from Order No. 705 of 2001**
(Old No. 368 of 1987)

Indian Drugs & Pharmaceuticals Ltd.,
I.D.P.L. Complex, Dundahera, Tehsil &
District Gurgaon,
through its General Manager.
..... Respondent/appellant

**Versus**

M/s United Engineers, C-1,
East Krishan Nagar, Delhi through
its partner Sri Vijender Kumar Agarwal.

.....Applicant/Respondent.

**Sri V.K.Bisht, learned Senior Advocate for the appellant,**

**Date: 25th Aug.,2004**

**Hon'ble P.C.Verma,J.**
**Hon'ble B.S.Verma,J.**

This is an appeal preferred by the Respondent/appellant-Indian Drugs & Pharmaceuticals Ltd., against the order dated 13.02.1987 passed by the Civil Judge, Dehradun, in Review Petition No.182 of 1986, United Engineers versus I.D.P.L. by which the review petition filed by the plaintiff which was moved to review its order dated 18.12.1987 passed in Original Suit No. 501 of 1985, by which the suit of the plaintiff was dismissed with costs, was allowed.

Brief facts giving rise to this appeal are that plaintiff filed a suit before the trial court under Indian Arbitration Act, 1940 seeking relief that the matter may be

referred to the Arbitrator to settle the dispute. The said suit was dismissed by the trial court relying on the case law ***M/s R.B.Baishakh Singh & Sons versus M/s I.D.P.L., [A.I.R. 1979 (Delhi High Court) Page 220]*** and held that the matter cannot be referred to the Arbitrator as it does not fall under the provisions of Sec. 20 of Arbitration Act. The plaintiff/review petitioner filed the review petition with the prayer that the said judgment of Delhi High Court on which basis the order sought to be reviewed was passed has been **overruled on 28.5.1984** by the same Bench in the ***case Ved Prakash Mittal versus Union of India, reported in A.I.R. 1985, Dehli, 385.***

Since the order dated 18.12.1987 was passed in the light of the judgment which was overruled subsequently by the same Bench and it has been brought to the notice of the court, the trial court has not committed any error in reviewing its order. We also find that the impugned order does not suffer from any error. There is no illegality or infirmity in the order of the trial court reviewing its own order in the facts and circumstances of the case.

Therefore, the appeal has no force and is hereby dismissed. The order impugned is affirmed. No order as to costs.

**(B.S.Verma,J.)** **(P.C.Verma,J.)**

P.Singh